

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

July 6, 2001

Peggy Arvanitas
PO Box 8787
Seminole, Fla. 33775
(727)-742-1386

AUG 2 2001

DOCKET FILE COPY ORIGINAL

Emmanuel Arvanitas
6256 Nancy Drive
Jacksonville, Fla. 32210
(904)-778-4310

VIA POSTAL AIR MAIL

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 12th st SW
Washington DC 20554


RE: CC DOCKET 99-200

Dear Ms. Salas,

Attached is a clarification of 47 CFR 52.15 from consumers in florida peggy Arvanitas and Emmanuel Arvanitas into the overturn of State of Florida NANPA code denials against BellSouth. Consumers are asking for the expert experience and intelligence in this matter, as we feel the state of florida pSC is lacking in direction. Since it is important for the industry and consumers and FCC to have definitive rules, we are asking for you to file said Clarification, .

In accordance with Section 1.1206 (b)(1) of the Commission's rules, I am filing two copies of this notice and ask that you please place this in the filing indicated above. Send one back stamped to me, and there are four copies and one original of this filing.

Sincerely,


Peggy Arvanitas

and

Emmanuel Arvanitas

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BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

In RE: Number Conservation and)
Optimization docket)

CC Docket 99-200

AUG 2 2001

Filed July 9, 2001

CLARIFICATION OF 47 C.F.R. 52.15 (g)(iii)(iv) IN THE OVERTURN OF NANPA
CODE DENIALS BY THE FLORIDA PUBLIC SERVICE COMMISSION FOR BELL SOUTH
TELECOMMUNICATIONS, INC AND SUBSIDIARIES

Peggy Arvanitas and Emmanuel Arvanitas, consumers of Florida phone numbers and citizens of Jacksonville and Clearwater, Florida, submits this Clarification for expedited review by the FCC of Florida Public Service Commission's overturn of NANPA's code denials. The docket 99-200 had two orders from it, FCC 00-104 and FCC 00-429 dealing with utilization thresholds for wireline and wireless carriers. Already, the State of Florida PSC LOWERED utilization thresholds for wireless carriers to 60% from 75%. This was at the insistence of Cingular, BellSouth's joint venture with SBC Communications. As many people know, ILEC's have both wireless and wireline numbers in the same rate center.

The Florida PSC has now stipulated that the overturn of BellSouth NXX and NXX-X code denials is justified because "NANPA used to give out numbers with MTE at THE SWITCH LEVEL and now must use utilization thresholds at the RATE CENTER LEVEL." Florida PSC has state dockets 010309, 010565, 010782, and 010783 that they have used and are using this rationale to overturn code denials. As the FCC is aware, NANPA has NEVER allocated numbers at the switch level using MTE, always at the rate center. They were certified, not verified. If the argument still exists for BellSouth that they are burdened with multiple switches in rate centers, this is a matter for the FCC in a FEDERAL capacity to modify the existing order in a n FCC venue.

As BellSouth is setting the precedence in Florida PSC with these overturns, and the Florida PSC employees, attorneys, and Commissioners are weak in their reading and interpretation of FCC orders and NANPA directives, we ask the FCC for this Clarification. The Consumers ask the FCC for an expedited ruling to avoid the premature exhaust of numbers that the affirmation and verification of utilization thresholds should be

preserving. We ask the FCC to clarify what measurement of compliance should a State Public Utility Commission review before an overturn of denial occurs. According to 47 CFR 52.15

"...The state regulatory commission may affirm or overturn the NANPA decision to withhold numbering resources from the carriers BASED ON ITS DETERMINATION OF COMPLIANCE WITH THE REPORTING AND NUMBERING RESOURCE APPLICATION REQUIREMENTS HEREIN."

The Consumers filing this docket perceive this to mean audits of unopened and contaminated numbers, and audits into the verification of accurately filed utilization data. As the ex-parte of Illinois Commerce Commission stated in FCC 99-200 March 30, 2001 filing: "...at the meeting, a representative from Nuestar, Inc, the NANPA indicated that when the company receives applications from service providers for growth codes (NXX) it DOES NOT VERIFY whether service providers requesting such growth codes have met the Commission's (or a state commission's) utilization threshold requirements."

Therefore, when NANPA finally does review and verify information, and BellSouth in the State of Florida PSC docket proclaims that they have 24 MONTHS of numbers on a switch in Orlando that they want to overturn a denial for, then the Consumers come to one conclusion. 1) There are MANY contaminated numbers on that switch that BellSouth has not followed State and FCC orders-Voluntary Numbering Guidelines, or a more sinister one: Certain State of Florida telecom employees are doing marvelous things for a nine state billion dollar phone company. And everyone must know by now that Florida passed an ammendment a few years ago that has NO RECUSEMENT period for Florida PSC employees who worked for the PSC prior to January 1995.

Therefore, since these Consumers from Florida cannot depend on the "wisdom" of the Florida PSC, and certainly not BellSouth for it's stewardship:

"In fact, BellSouth submits that the implementation of an expedited review process would not subject any person or entity to actual injury because such a proceeding applies only to BellSouth, NANPA, and the customer BellSouth is trying to service."

This comment was from BellSouth's 010782-t1 PSC of Florida filing.

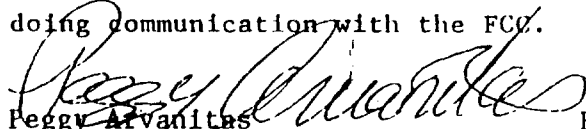
Obviously, if the biggest phone company in Florida feels consumers have no say about the Public's resources, because OBVIOUSLY, THESE ARE NOT THE PUBLIC'S NUMBERS we need clarification from the FCC.


We need Clarification on these points:

- 1) Was the NANPA expending numbers, ever , at the switch level, and is this a valid reason to overturn code denials?
- 2) Are Consumers to be excluded from state dockets because they don't have "substantial interest" as a billion dollar phone company does? (see docket 010102-t1)
- 3) What verification must be produced for State Public Utility Commissions "determination of complaine with the reporting and numbering resource application requirements...?"

We are asking for an EXPEDITED ruling in this matter, and please do not take four months or more , as you are with the 561 area code petition request for Florida/

This is submitted on this 9th day of July, 2001 and we are looking forward with doing communication with the FCC.


Peggy Arvanitas
PO Box 8787
Seminole, Fla. 33775


Emmanuel Arvanitas
6256 Nancy Drive
Jax, Fla. 32210

Attached, please find the PSC of Florida docket filing of Emmanuel Arvanitas-protest as well as the Certificate of Service.

BEFORE THE PUBLIC SERVICE COMMISSION

In RE: Petition by BellSouth for an expedited)
review of NANPA's denial of central office code)

DOCKET NUMBER 010565-TP

June 16, 2001

PROTEST OF STAFF RECOMMENDATION/ORDER OF OVERTURN OF BELL SOUTH DENIALS
OF NXX CODES BY NANPA

I, Emmanuel Arvanitas, am a consumer of Florida's numbering resources, having lived here for over 20 years, and under the Florida Administrative Code do hereby protest the order in the above mentioned order.

On March 30, 2001, BellSouth Telecommunications, Inc. (hereby referred to as BellSouth) submitted an application to NANPA to receive numbering resources in the Orlando rate center. The code requests were for VANITY numbers/ DID consecutive numbers for BellSouth customers.

The reason for the denial of 10,000 block number codes was for the low utilization threshold below 60%. As the Commissioners from the Florida PSC should know, the FCC order 00-104 was for the implementation of uniform standards for all carriers to receive numbering resources. FCC 00-104 paragraph 105 uses the rate center as a unit of measurement for all switches in that rate center to have a cumulative utilization threshold of OVER 60% to receive additional numbering resources. To allow the override of NANPA for one carrier, BellSouth is discriminatory, for the reasons I will list below. And any discrimination as to the "efficient allocation of numbers" is not "competitively neutral" in violation of the 1996 Telecom Act- Section 251. And since our Florida Statutes 120.80 say we must be in compliance with the 1996 Telecom Act and incorporate the language of the 1996 Telecom Act in state ordered language in our State of Florida PSC orders. The State of Florida PSC can only overturn the NANPA ruling, as per 47 C.F.R. 52.15 (g)(iii),(iv)"based on its determination of compliance with the reporting and numbering resource application requirements herein."

BellSouth has not met this burden with NANPA let alone the PSC of Florida. The PSC of Florida is malfeasant in it's refusal, because of ignorance or otherwise to do an audit

to verify compliance.

According to the order from the docket 10393-TP the Voluntary Stipulation was filed and signed by all carriers including BellSouth in 1999. In this Stipulation was an agreed to protocol that the carriers would not open up new NXX's unless there was a bonafide request by a carrier's customer. Upon reviewing BellSouth's own statements by it's representatives in this docket, Orlando rate center has " 14.4 months to exhaust" and switch Pinecastle in the rate center has "29 months to exhaust. " This is far greater than the six month's of inventory of numbers that the stipulation allowed them to keep numbers and not pool. The inference is that with this many BLOCKS OPENED THERE IS A MAGNIFICENT AMOUNT OF CONTAMINATION OF MORE THAN 10% CONTAMINATION OF 1000 BLOCKS THAT WOULD EXEMPT ANY ADDITIONAL NUMBERS FROM BEING USED IN A NUMBER POOL. The PSC of Florida cannot ignore these facts that allow BellSouth additional numbering resources beyond an FCC order and then allow the ILEC to have contaminated numbers in violation of a previous Florida order. Of course, there will not be enough numbers for pooling once this area code is in exhaust. The ILEC that would have to GIVE UP NUMBERS TO OTHER CARRIERS IN 1000 BLOCKS WOULD BE ABLE TO HOARD NUMBERS.

So, we have inefficient allocation of numbers, which the FCC says in it's order should invalidate any override of denial from the State PUC's. We also have a SELF PROCLAIMED insufficiency of equipment BellSouth themselves disclosed in PAA order 00-1046. From the docket 981444-TP docket, Bellsouth in July 2000 asked for a variance to NOT POOL in over 50% of their rate centers because of a 29 year old 1AESS switch by Lucent which they haven't upgraded. Upon careful review of all the NPA rate center switches BellSouth said had the old switch, I see a DIRECT CORRELATION BETWEEN THE OLD 1AESS SWITCHES BEING THE EXACT RATE CENTER SWITCHES THAT BELL SOUTH HAS BEEN DENIED NUMBERING RESOURCES FROM NANPA.

My company I work for went through a great expense in the last two years upgrading our old switches to newer ones that could support more numbers being attached to them. This is along the 25/133 problem that BellSouth received the ability to exclude itself from further porting of 1000 block numbers in a pooling environment. Therefore, to allow BellSouth to be exempt for inefficiency of numbering resources and insufficiency of upgraded equipment as CLEC'S COMPETING AGAINST THEM HAVE DONE IS IN VIOLATION OF THE

1996 Telecommunication's Act Section 251 "competitive neutrality" clause, which denies any carrier any illegal competitive advantage over another carrier in numbering resources.

Therefore, I ask for review of protest and reversal of BellSouth to receive these numbers from customers, as according to 47 C.F.R. 52.15 (g)(iii)(iv) the State of Florida Public Service Commission has not met the criteria for the AUTHORITY to overturn numbering resources of the PUBLIC's numbers in the State of Florida. I consider this gross negligence and malfeasance for you to continue prior to an audit into the numbering practices of BellSouth. Because of willful contamination of numbering resources to exclude them for number pooling to competing carriers, you would slap the State of Florida's face and allow them an override of NANPA's denial, which no other upgraded and efficient CLEC is asking for. This, if it is allowed to go through, warrants a challenge to the Supreme Court.

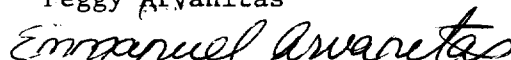
A Very Unhappy and disgusted Consumer,

Emmanuel Arthur Arvanitas

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing filing was served this 9th day of July 2001, by hand delivery, to the persons listed below.


-Peggy Arvanitas


Emmanuel Arvanitas

Paul Gallant
Commissioner Tristani's Office
Federal Communications Commission
445 12th Street, S.W., Rm 8-C-302
Washington, DC 20554

Commissioner Copps' Office
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Kyle Dixon
Chairman Powell's Office
Federal Communications Commission
445 12th Street, S.W., Rm 8-B-201
Washington, DC 20554

Commissioner Abernathy's Office
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Commissioner Martin's Office
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554
(text only for stamp & return)

International Transcription Service (ITS)
1231 20th Street, N.W.
Washington, D.C. 20037